#### **REMARKS**

This is in full and timely response to the Final Action dated September 22, 2005. A

Notice of Appeal was timely filed on February 22, 2006. This paper accompanies an RCE that is timely filed with a Petition to Extend the Time for Response to Within the Fourth Month.

Thus, this RCE is timely.

#### Rejection of Claims 16 to 20 under 35 USC 103

The claims submitted are those at Final Action. In that paper, the examiner had rejected claims 16 to 20 as unpatentable over Richmond '170 in view of Nixon '784 and further in view of Bologovsky et al. The examiner had taken Official Notice that it is well known to employ thermo-welding as a bonding means; a citation to that effect is respectfully requested.

It is noted that there are no findings of fact on which to base a motivation or impetus to combine the teachings of the references, even if the Richmond device were available as a reference. To the extent, for example, that Nixon does a pair of mating board portions, there is no teaching that it was intended in Nixon to provide a body board with an outer plastic shell as alleged which prevents absorption of blood. Furthermore, the sealing alleged to be found in Bologovsky is not directed to a combination having features as alleged; indeed Bologovsky is not directed to sealing to reduce a likelihood that the interior of the board will become a source of infection. In that respect, therefore, motivation to combine for these stated purposes is found in the Applicant's disclosure as a template for a hindsight reconstruction based on the three references applied.

Applicant's Declaration under 37 C.F. R. 1.131

The examiner had held that the declaration was insufficient for the reasons noted on pages 4 and 5 of the Final Action, while at the same time asking for another copoy of Exhibits A and B. To the extent that the file of the undersigned does not contain Exhibits apparently marked as Exhibits A and B as referred to therein. To resolve any question on that point, the following papers are presented from the file of the undersigned and correlated with the declaration of the Applicant.

- 1. Exhibit C to this submission consists of four pages of drawings made from a large drawing in the possession of the undersigned. It is believed that this drawing constituted Exhibit A to the Declaration. The undersigned confirms that it bears a date earlier than Richmond's effective filing date, assuming that it is entitled to its provisional filing date, and bears the legend "Revised Tail" having a date earlier than Richmond's effective filing date. The original drawing is available for an interview with the examiner to satisfy him that the dates contained thereon are indeed earlier than Richmond's effective filing date.
- 2. Exhibit D to this submission is believed to be the "written description" contained in Exhibit B to the Rule 131 Declaration. It has appended thereto drawings that accompanied that writeup, among which were the downwardly directed tail section. It is noted that at least several of those drawings, apparently provided to prepare the provisional application bear a date of April 29, 2002, a date that is earlier than the effective filing date of the Richmond citation. Exhibit D is a writeup from the Applicant of the main points to be considered for inclusion in the provisional application filed in July, 2002 on behalf of the Applicant. A date on the second page of the writeup is earlier than the effective filing date of the Richmond citation. It may be noted that the comment that the design would be available in the fall of 2000 is inaccurate to the extent that the design was developed to what is shown in the provisional application.

#### Richmond's Provisional Disclosure

A copy of the provisional application for the Richmond citation is provided. It is clear that Richmond relates to a stretcher, not a spineboard as claimed and does not contemplate or suggest the pathogen resistant feature of the Applicant's invention. To the extent that Richmond is entitled to rely on its provisional filing date, the Applicant nees only show so much of the Richmond case as is shown in its provisional case to antedeate the disclosure completely. Richmond's provisional disclosure is thus antedated by the Applicant's activities.

To the extent that the undersigned reviewed files kept in the ordinary course of business to provide this response on documents supporting the declaration, the information submitted herein is true and accurate to the extent so stated, or is believed to be true and accurate to the best of the information of the undersigned.

These documents are believed to respond favorably to the points raised by the examiner who apparently did not have either Exhibit A or B before him in the file when criticizing the declaration.

#### Information Disclosure Statement

An Information Disclosure Statement accompanies this submission to present documents cited in the corresponding EP application and a copy of the action in that case for consideration by the Examiner.

Reconsideration is respectfully requested.

Dated: August 22, 2006

Respectfully submitted,

Ronald P. Kananen

Registration No.: 24,104
RADER, FISHMAN & GRAUER PLLC
1233 20th Street, N.W.
Suite 501

Washington, DC 20036

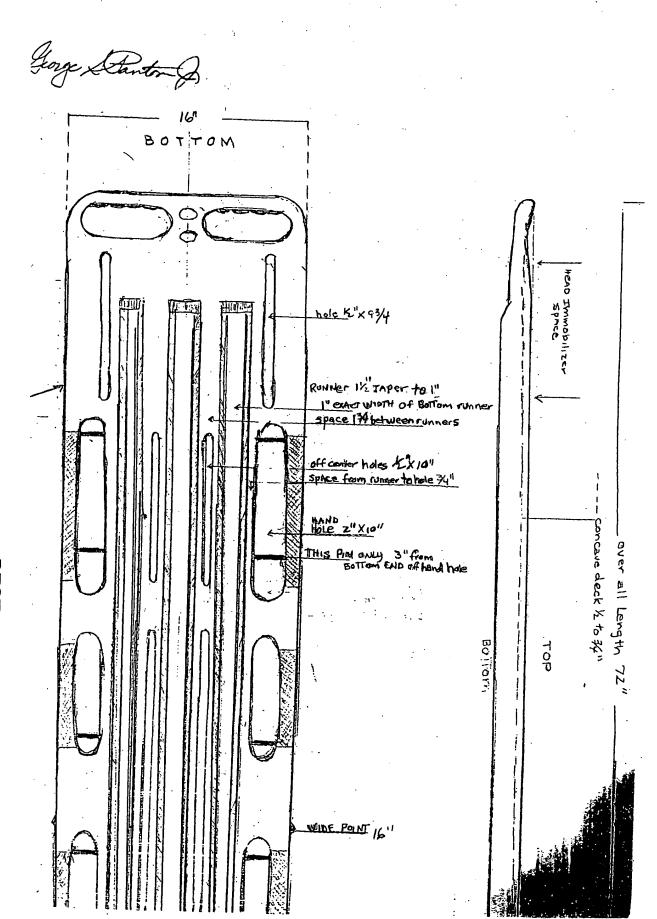
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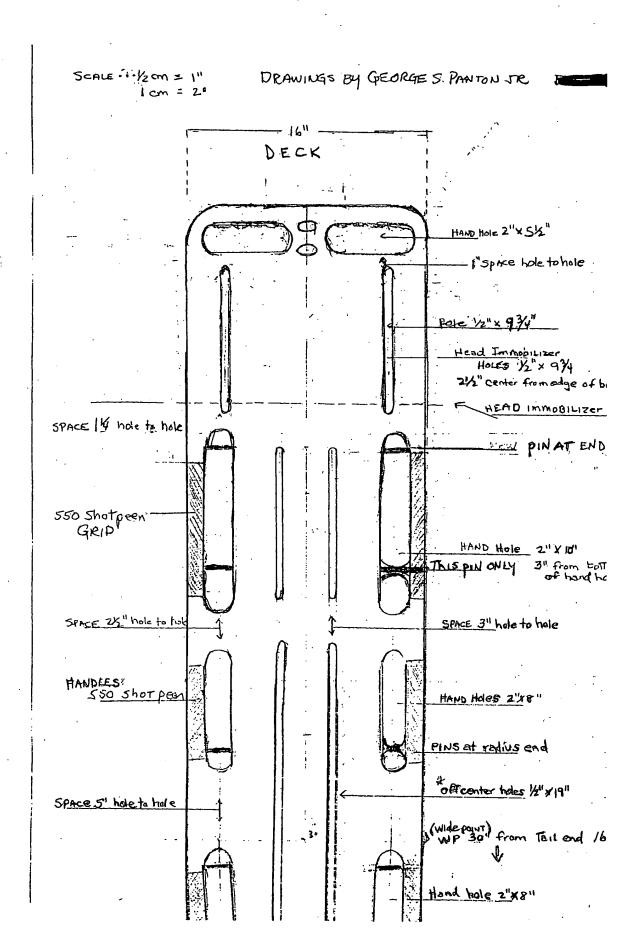
Attorney for Applicant

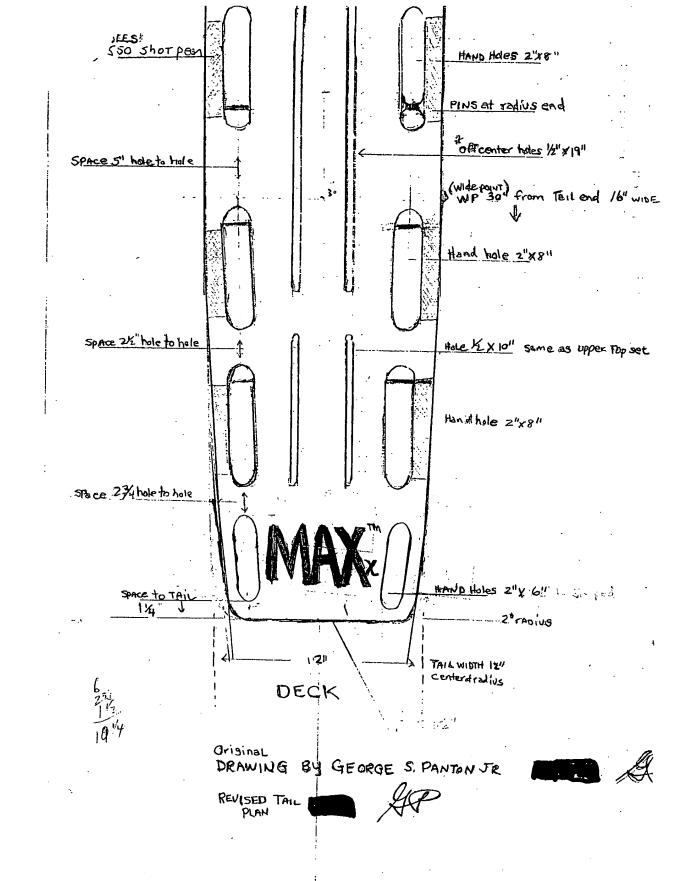
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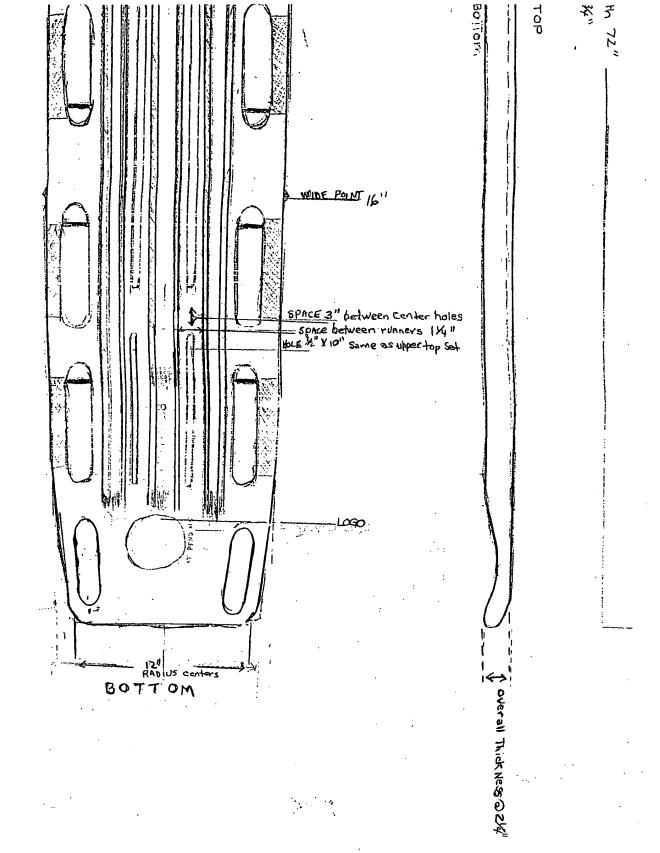
APPENDIXES (C), (D), and (E)

## **APPENDIX C**









## **APPENDIX D**

EXTREME RESPONSE Po. box 372520 SATELLITE BEACH, FLA 32937

MysiCAL ADDERESS 128 TomAHAWK Dr. SuiteC INDIAN HARBORISCH, FLA 32937

# MAXX

MAXX is a rescue backboard used for immobilization of injured persons resulting from accidento, openal in nature. The MAXX backboard is designed with many emergency issues relating to aquatic, EMS, or firefighters situations minimizing the rescue time at the "scene".

Maxx Design FEATURES Are:

1. The Most X-rayable backboard with no metal parts or pieces

z VACUUM formed of Thermal plastic being ultrar strong and capable of heavy weight capasities

3. Viethane foam filled ... eliminates air SPACES

4. Blood born pothogen resistant - impervious structure with scaled edges

5. Movided in speed clippins

6. Shot pinned hand holes for superior grip

4. Adjustable head imobilizer - canbe pediatric or adult

8. Tipped down tail for quicker extrication of Buto accident patients

9. Bottom runners for aquatic rescues and/or ground stabilization

10. Light weight

### Introducing the "MAXx" Backboard - Patent Details and Description

Protocol, ease of use/buoyancy in the water, bloodbourne pathogen procedures, EMS specifications, and technological advances have been the design paramaters leading to the backboard of the future-- "MAXx"

Designed by George Panton, "MAXx" features a revolutionary adjustable "snap-set" head immobilizing system.

Stability, positive buoyancy, rigidity, sterility, density, and strength have all been addressed to maximize the performance of "MAXx" within the EMS and the aquatic market.

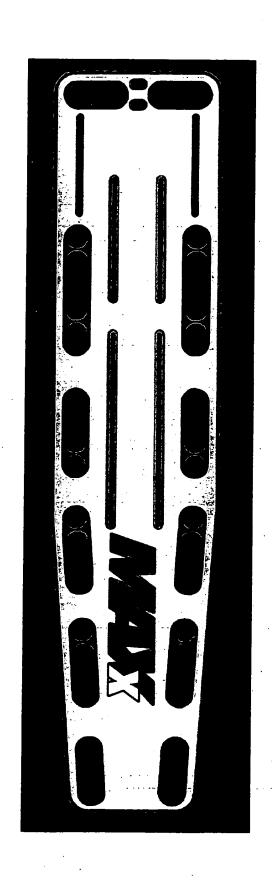
This patent-pending design will be available in the Fall of 2000. This product is a "purpose" built backboard that is unique among any previous designs.

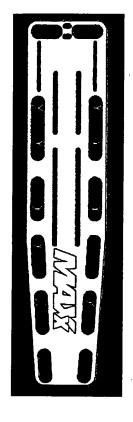
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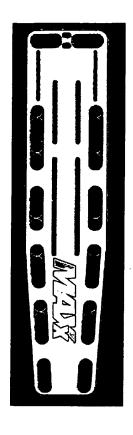
#### Features:

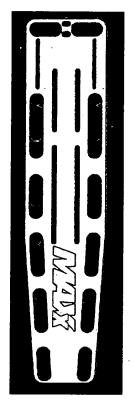
- Lightweight polyethylene/poly urethane foam core or AOS
- X-ray translucent
- Integrated design will accommodate snap-in Head Immobilizers
- Maximum human weight limit consistent with strap length maximums
- Larger handholds for greater vertical strap adjustment and safety glove clearance
- Unique dropped tail design allows easier board placement/extrication out of pools, tight spots (i.e. car seats, etc).
- Unique The haped tail handles allow easy grasp when flat to the ground or on pool edge
- Side handles are "shot pinned" to facilitate wet (aquatic) rescues
- Deck cradle is smooth for additional comfort
- Fiberglass speed with pins
- Private label capability
- International Orange in color

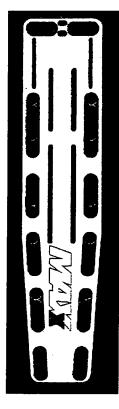
Submitted by George Panton Jr.

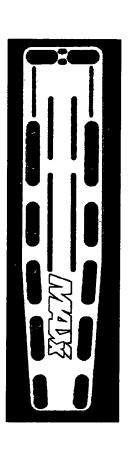


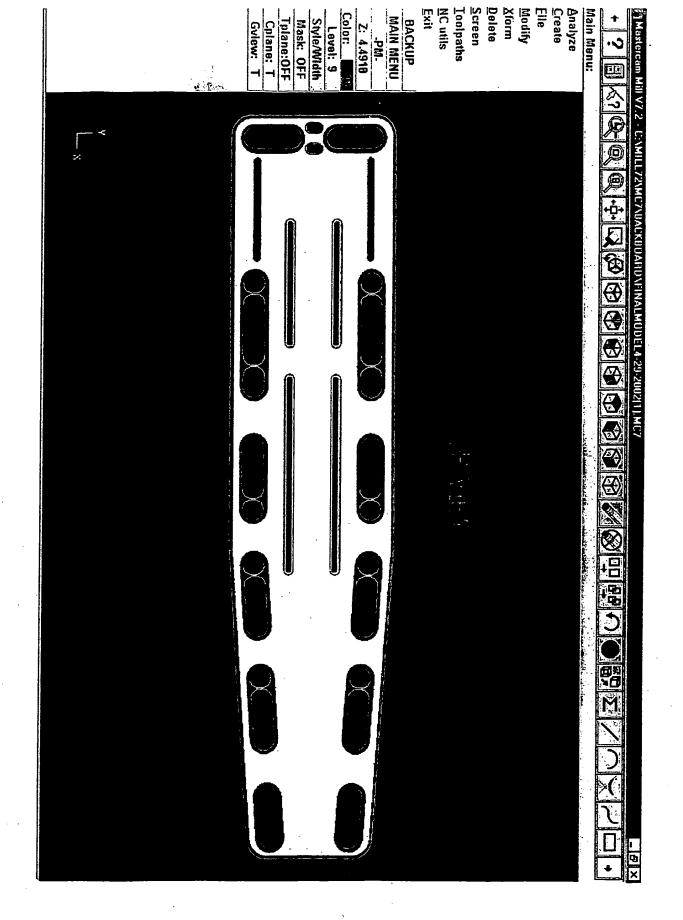




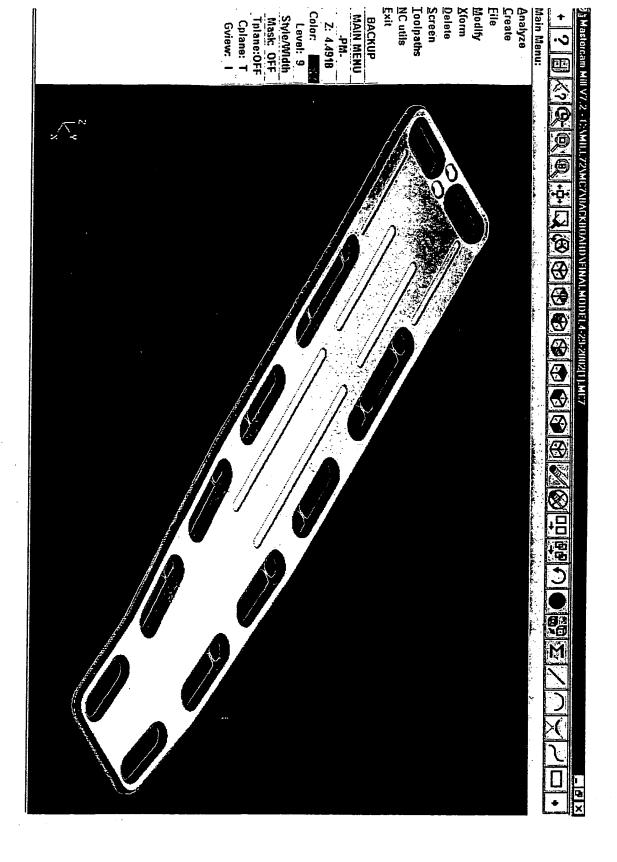


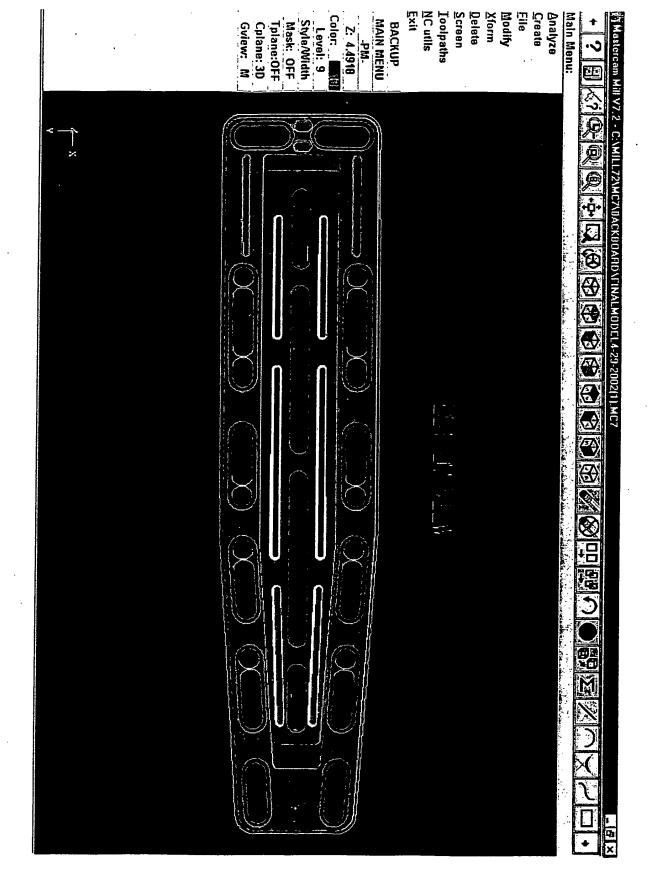


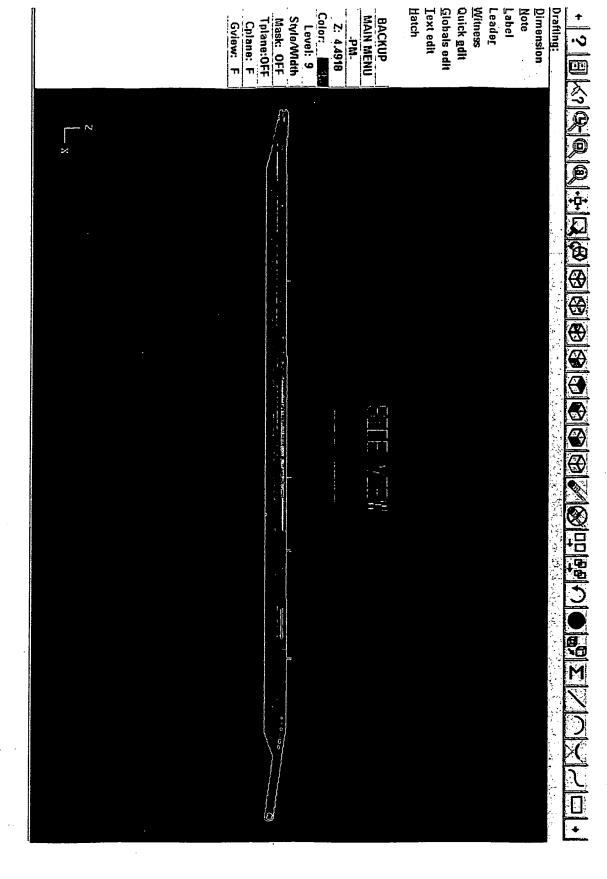


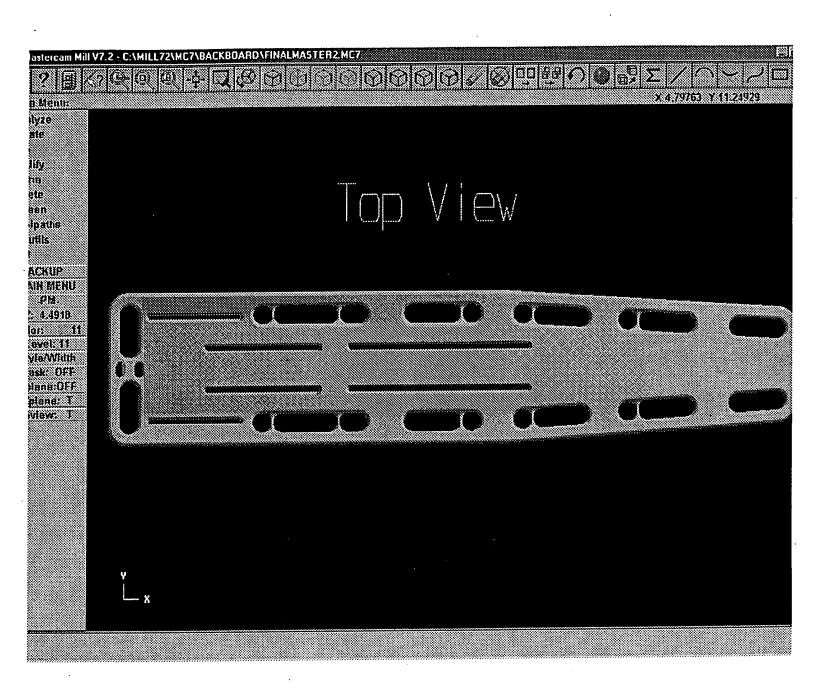


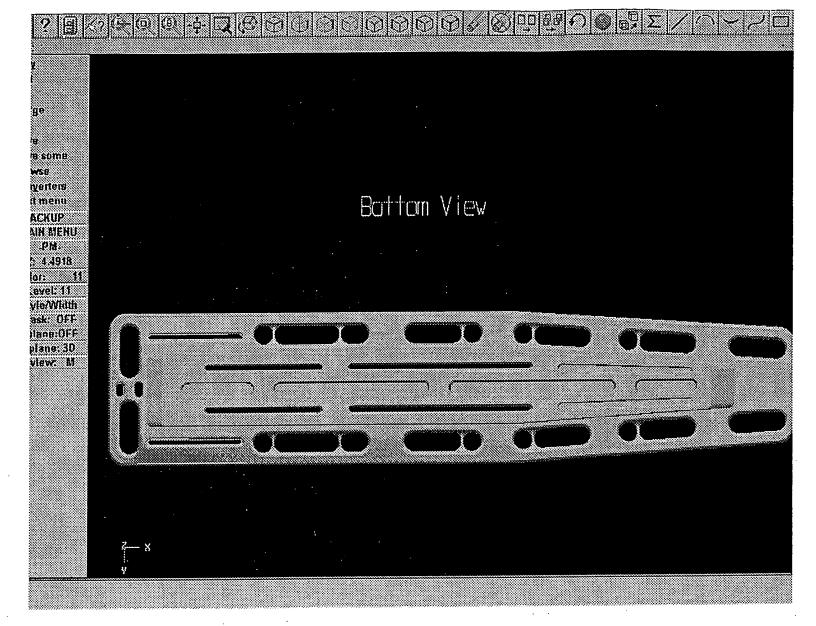
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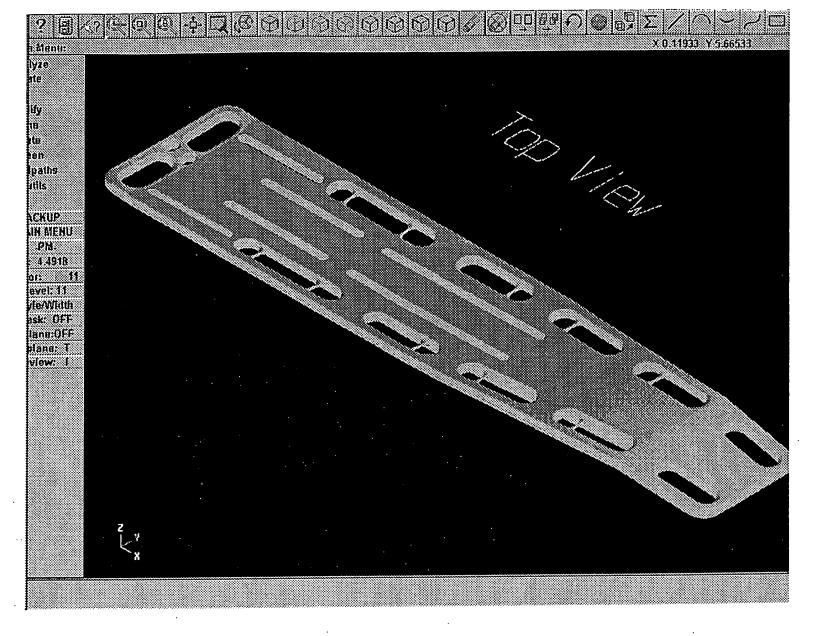


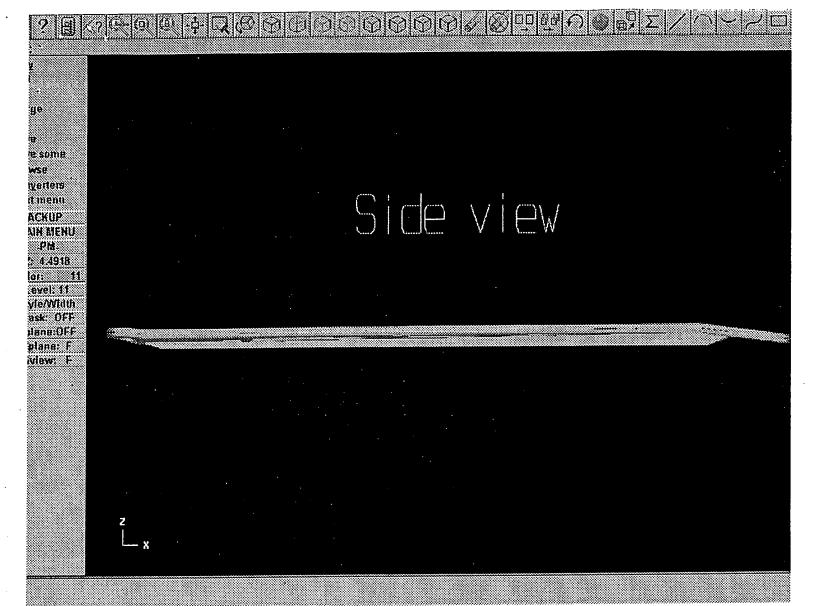


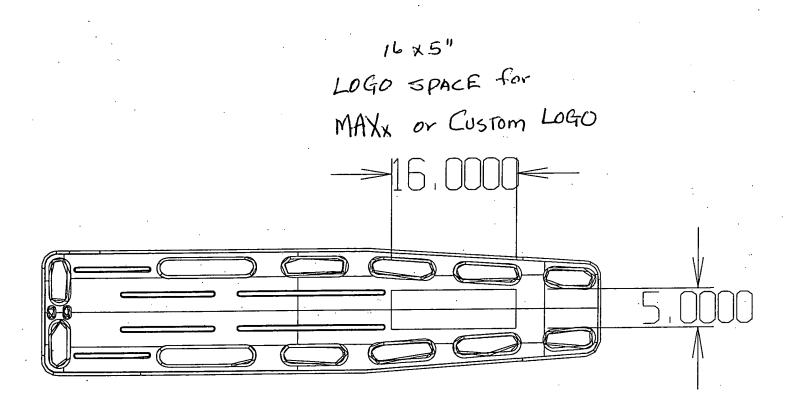












## APPENDIX E

#### FILE WRAPPER FOR PROVISIONAL U.S. APPLICATION

NO:

60/380,715

INVENTOR:

THOMAS A. RICHMOND

FILING DATE:

MAY 15, 2002

TITLE:

STRETCHER

#### \*RELATED U.S. APPLICATION DATA:

USSN 10/404,814 FILED APRIL 1, 2003

US PATENT 6,715,170

PROVISIONAL APPLICATION NO. 60/380,715

FILED MAY 15, 2002

[CAPTIONED FILE]

\*The related U.S. application data is drawn from the USPTO's public website and is not to be construed as a complete family of applications. Complete family information is available from the USPTO under 37 CFR 1.14.



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### UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.usplo.gov

### Bib Data Sheet

**CONFIRMATION NO. 6839** 

SERIAL NUMBER 60/380,715	FILING DATE 05/15/2002 RULE	C	CLASS	GROUP ART UN		TUNIT	ATTORNEY DOCKET NO. RAPI-0003		
APPLICANTS							_	· · · · · · · · · · · · · · · · · · ·	
Thomas A. Rich	mond, Richboro, PA;							·	
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ADDRESS								<u> </u>	
Andrew J. Hagerty									
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PROVISIONAL APPLICATION FILING ONLY

TYP 3D or PRINTED NAME Andrew J. Hagerty

Date: May 15, 2002 . REGISTRATION NO. 44,141

(if appropriate)

#### **STRETCHER**

#### FIELD OF THE INVENTION

The present invention relates to portable stretchers, which are particularly suited for rescue situations. The stretchers are effective in transporting patients and/or rescuers in environments including water, ice and snow.

#### BACKGROUND OF THE INVENTION

#### SUMMARY OF THE INVENTION

The present invention is directed to stretchers. In accordance with one preferred embodiment of the present invention, there has now been provided a stretcher including a cavity defined by a base and at least one wall extending upwardly from the periphery of the base. The cavity includes a pair of runners disposed on its lower surface. The cavity is formed having a double-wall configuration with filler material therebetween. The stretcher is floatable with a load of about 200 pounds residing in the cavity in the absence of retrofitted flotation aids.

In accordance with another preferred embodiment, there has now been provided a stretcher including a substantially rigid cavity for protecting a patient, wherein the cavity is defined by a base, longitudinal ends extending upwardly from the base, and sidewalls disposed between the longitudinal ends and extending upwardly the base. The sidewalls extend to a varying elevation along the lengths of the sidewalls.

In accordance with another preferred embodiment, there has now been provided a stretcher including a cavity defined by a base and at least one wall extending upwardly from the periphery of the base. A pair of runners is disposed on a lower surface of the cavity. The cavity wall includes opposing notches so that human limbs can be extended out of the cavity to maneuver the stretcher.

In accordance with another preferred embodiment, there has now been provided a stretcher including a cavity defined by a base and at least one wall extending upwardly from the periphery of said base. The cavity wall extends to a varying elevation along its length. The cavity is formed having a double-wall configuration with filler material

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therebetween. The stretcher is floatable with a load of about 200 pounds residing in the cavity in the absence of retrofitted flotation aids.

These and various other features of novelty, and their respective advantages, are pointed out with particularity in the claims annexed hereto and forming a part hereof. However, for a better understanding of aspects of the invention, reference should be made to the drawings which form a further part hereof, and to the accompanying descriptive matter, in which there is illustrated preferred embodiments.

#### BRIEF DESCRIPTION OF THE DRAWINGS

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Figure 1 is a top perspective view of a preferred stretcher embodiment provided by the present invention.

Figure 2 is a top perspective view of another preferred embodiment provided by the present invention.

Figure 3 is a top perspective view of a stretcher embodiment including optional drain ports.

Figure 4 is bottom perspective view of a stretcher embodiment including optional runners.

Figure 5 is a top perspective view of the stretcher embodiment as shown in Figure 4.

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### DETAILED DECRIPTION OF THE PREFERRED EMBODIMENTS

Referring now to the figures, wherein like features are indicated with like reference characters throughout, and in particular to Figure 1, a stretcher 10 is shown including a cavity 20 that is defined by a base 30, sidewalls 32, and longitudinal ends 33. The stretcher embodiments shown in these figures have distinct wall portions joined at their ends, and the walls are substantially linear. As can be seen in Figure 2 however, other stretcher embodiments according to the present invention may include a single wall 31 (that is, not having distinct starting and ending points) positioned at the periphery of base 30 and extending upwardly therefrom. Figure 2 also illustrates that any wall or wall portion may include curvilinear regions.

Referring again to Figure 1, cavity 20 and base 30 are designed and configured to accept a patient and/or rescuer directly, or alternatively accept a patient positioned on an immobilization board. Cavity 20 is preferably substantially rigid so that a patient can be adequately protected during transportation.

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In preferred stretcher embodiments, stretcher walls (wall 31 and sidewalls 32) extend to a varying elevation along their lengths, with low sections that permit a rescuer to extend their arms and/or legs out of cavity 20 to maneuver the stretcher, including propelling, braking and steering the stretcher during patient search and rescue. For example, in a water rescue, a rescuer can use the stretcher as a flotation aid and paddle out to a victim. Similarly, in an ice rescue, a rescuer can extend their arms or legs out to pick their way along the ice. Stretcher walls include regions with a relatively high elevation E1 and other regions with a relatively low elevation E2 (more than two different elevations may be employed). Elevation E1 is preferably from about 3 inches to about 18 inches. Elevation E2 is preferably from about 10 inches.

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The stretcher embodiments shown in the figures include notches 40 in the sidewalls to provide low sections. Although a single pair of opposing notches is suitable for effectively enabling a rescuer to maneuver the stretcher, two pairs of opposing notches 40 are preferred. When two pairs of opposing notches 40 are employed, a rescuers arms and legs can be extended out of the cavity. In addition, two pairs of opposing notches allow a rescuer to quickly grasp the stretcher without orientation concerns. For example, a rescuer could be positioned in either direction in the cavity and extend their arms out to paddle the stretcher through the water.

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Sidewalls 32 and ends 33 are shown having an optional outwardly extending flange 41. Preferably, flange 41 is substantially parallel to base 30. In preferred embodiments, flange 41 includes at least one opening. As shown, flange 41 has multiple openings, including several hand holes 42 and strap holes 43. Strap holes 43 facilitate the attachment of restraining/securing straps, bridles and the like. Hand holes 42 and strap holes 43 may optionally contain speed pins 44, which provide quick-release coupling of a strap (or the like) via standard clips. Flange 41 may also include a seat for securing an oxygen bottle to the stretcher. A preferred bottle seat includes a concavity formed in a

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portion of flange 41 and at least one coupling device to maintain the bottle's position within the concavity.

Referring to Figure 3, base 30 may optionally include at least one pluggable drain port 50. A plurality of spaced apart ports 50 is preferred. The pluggable drain ports enable stretchers of the present invention to be used for decontaminating a patient. For example, a patient exposed to hazardous material can be "washed" while lying in the stretcher. The runoff can then be safely contained by routing it out of the drain ports and into a hazardous material disposal container. Blood and other bodily fluids can likewise be appropriately handled via the ports when the stretcher is cleaned and sanitized post use. The drain ports may also be used for introducing materials into the cavity, such as, for example, heated air or medicaments.

Stretchers of the present invention may employ runners to provide enhanced maneuverability and tracking in water and snow use. The runners can be manufactured independently and then attached to the stretcher, or integrally formed with the stretcher cavity. As can be seen in Figure 4, two runners 60 extend from a bottom surface of cavity 20. In addition to the runners, the bottom surface of base 30 and ends 33 can be angled or shaped to promote the ability of the stretcher to plow through water or snow.

The stretcher cavity can be manufactured from many different materials, including but not limited to, polymers, metals, composites, foams, fiberglass, wood, KEVLAR, coated paperboard, and combinations thereof. Preferably, the stretcher is made from a material comprising a polymer, such as, for example high-density polyethylene. Any known techniques for forming three-dimensional structures from the list of materials above can be employed for manufacturing the stretcher components.

In preferred embodiments, the cavity is injection molded or rotational molded. Utilizing a rotational molding technique can yield a hollow double-wall configuration. Filler material may be disposed in the middle of such a configuration to impart added strength, and insulation and flotation properties. A representative, non-limiting list of filler material includes air, foam, natural and synthetic fibers, and wood products. Preferably, the filler material is a liquid foam, such as catalyzed urethane foam, that is injected into the double-wall configuration with techniques such as reaction injection · molding.

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Design features, materials, and manufacturing techniques as described above may be selectively combined to provide various beneficial properties, such as, for example, x-ray translucency and floatation. Stretchers of the present invention are preferably floatable, more preferably floatable with a load of about 200 pounds residing in the cavity, and most preferably floatable containing a load of up to about 350 pounds, all in the absence of retrofitted (additional) floatation aids.

It is to be understood that even though numerous characteristics and advantages of the present invention have been set forth in the foregoing description, together with details of the structure, manufacture of, and function of the invention, the disclosure is illustrative only. Accordingly, changes may be made in detail, especially in matters of shape, size and arrangement of structural features, as well as, sequences of manufacturing steps, within the principles of the invention to the full extent indicated by the broad general meaning of the terms in which the appended claims are expressed.

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#### What is claimed is:

- 1. A stretcher comprising:
- a cavity defined by a base and at least one wall extending upwardly from the periphery of said base; and

a pair of runners disposed on a lower surface of said cavity;

wherein said cavity is formed having a double-wall configuration with filler material therebetween, so that the stretcher is floatable with a load of about 200 pounds residing in said cavity in the absence of retrofitted floataion aids.

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- 2. The stretcher of claim 1, wherein said cavity and said pair of runners are integrally formed.
- 3. The stretcher of claim 1, wherein at least a portion of said at least one wall includes an outwardly extending flange that is substantially parallel to said base.
- 4. The stretcher of claim 3, wherein said flange includes an opening.
- 20 5. The stretcher of claim 4, wherein said opening is a hand hole.
  - 6. The stretcher of claim 4, wherein said opening includes a pin for attaching a bridle or a securing strap to the stretcher.
- The stretcher of claim 3, wherein said flange includes a bottle seat.
  - 8. The stretcher of claim 1, wherein said base includes at least one pluggable drain port extending from a base upper surface to a base lower surface.
- 30 9. The stretcher of claim 1, wherein said cavity is formed by a manufacturing method including rotational molding.

- 10. The stretcher of claim 1, wherein said cavity is formed from a material including a polymer.
- 5 11. The stretcher of claim 10, wherein said polymer includes a high-density polyethylene.
  - 12. The stretcher of claim 1, wherein said filler material includes foam.

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- 13. The stretcher of claim 1, wherein said cavity is sized and configured to accept an immobilization board.
  - 14. The stretcher of claim 1, wherein said cavity is x-ray translucent.
- 15 15. The stretcher of claim 1, wherein said at least one wall includes two sidewalls positioned between two opposing ends.
  - 16. The stretcher of claim 15, wherein each of said two sidewalls includes a region of relatively low elevation so that a human limb can be extended out of said cavity to maneuver the stretcher.
  - 17. A stretcher comprising:

a substantially rigid cavity for protecting a patient, the cavity defined by a base, longitudinal ends extending upwardly from said base, and sidewalls disposed between said longitudinal ends and extending upwardly from said base;

wherein said sidewalls extend to a varying elevation along the lengths of said sidewalls.

18. The stretcher of claim 17, further comprising a pair of runners disposed on a lower surface of said cavity.

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- 19. The stretcher of claim 17, wherein at least one of said sidewalls and said longitudinal ends include an outwardly extending flange that is substantially parallel to said base.
- 20. The stretcher of claim 19, wherein said flange includes an opening for accepting a lifting or securing device.
  - 21. The stretcher of claim 19, wherein said flange includes a bottle seat.
- 60380715.051502 The stretcher of claim 17, wherein said base includes at least one pluggable drain 22. port extending from a base upper surface to a base lower surface.
  - The stretcher of claim 17, wherein said cavity is formed by a manufacturing 23. method including rotational molding.
  - The stretcher of claim 17, wherein said cavity is formed having a double-wall 24. configuration with filler material therebetween.
  - The stretcher of claim 24, wherein said filler material includes foam. 25.
  - The stretcher of claim 17, wherein said cavity is formed from a material including 26. a polymer.
  - 26. The stretcher of claim 26, wherein said polymer includes a high-density 25 polyethylene.
    - The stretcher of claim 17, wherein said cavity is sized and configured to accept an 27. immobilization board.
  - 30 28. The stretcher of claim 17, wherein said cavity is x-ray translucent.

- 29. The stretcher of claim 17, wherein each of said sidewalls include a notch so that human limbs can be extended out of said cavity to maneuver the stretcher.
- 30. The stretcher of claim 28, wherein each of said sidewalls includes a second notch.

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31. A stretcher comprising:

a cavity defined by a base and at least one wall extending upwardly from the periphery of said base; and

a pair of runners disposed on a lower surface of said cavity;

wherein said at least one wall includes opposing notches so that human limbs can be extended out of said cavity to maneuver the stretcher.

The stretcher of claim 31, wherein at least a portion of said at least one wall 32. includes an outwardly extending flange that is substantially parallel to said base.

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The stretcher of claim 32, wherein said flange includes an opening for accepting a 33. lifting or securing device.

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The stretcher of claim 32, wherein said flange includes a bottle seat.

The stretcher of claim 31, wherein said base includes at least one pluggable drain 35. port extending from a base upper surface to a base lower surface.

The stretcher of claim 31, wherein said cavity is formed by a manufacturing 36. method including rotational molding.

- The stretcher of claim 31, wherein said cavity is formed having a double-wall 37. configuration with filler material therebetween.
- 30 38. The stretcher of claim 37, wherein said fill materials includes foam.

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PATENT

- 39. The stretcher of claim 31, wherein said cavity is formed from a material including a polymer.
- 40. The stretcher of claim 39, wherein said polymer includes a high-density polyethylene.
  - The stretcher of claim 31, wherein said cavity is sized and configured to accept an 41. immobilization board.

42. A stretcher comprising:

a cavity defined by a base and at least one wall extending upwardly from the periphery of said base;

wherein said at least one wall extends to a varying elevation along its length, and wherein said cavity is formed having a double-wall configuration with filler material therebetween, so that the stretcher is floatable with a load of about 200 pounds residing in said cavity in the absence of retrofitted flotation aids.

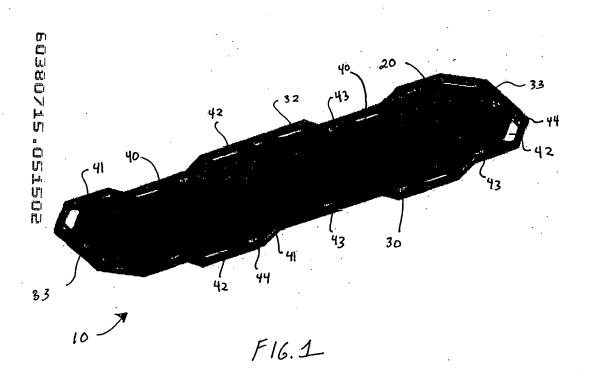
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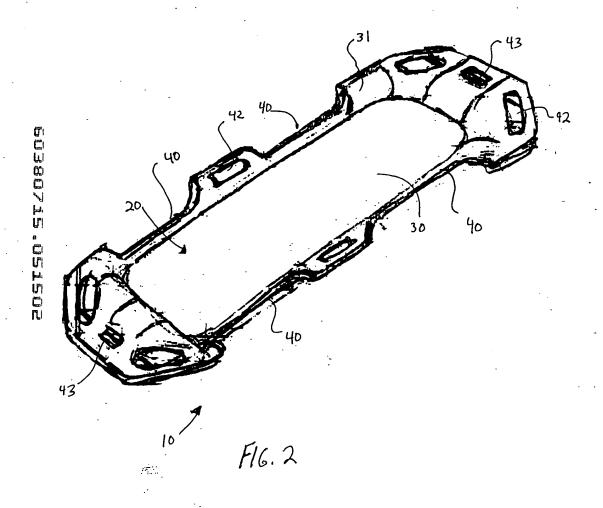
The stretcher of claim 42 being floatable with a load up to about 350 pounds 43. residing in said cavity in the absence of flotation aids.

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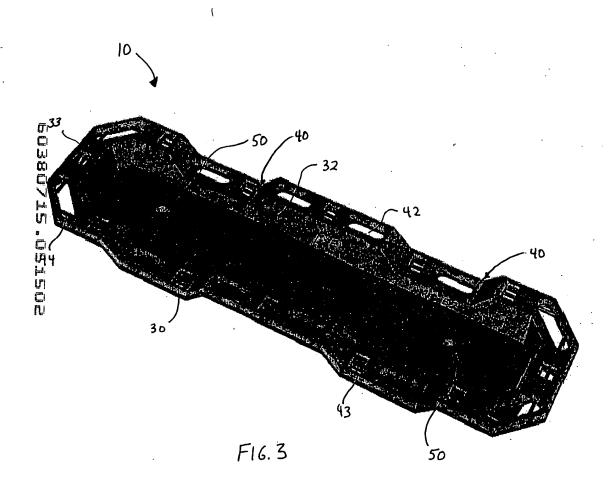
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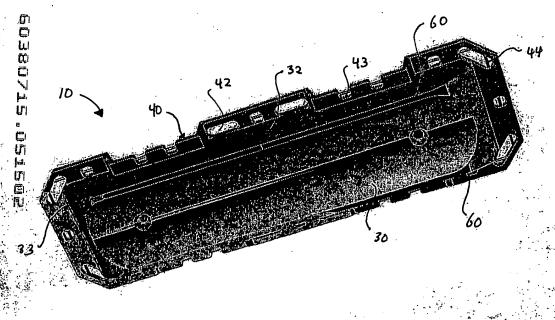




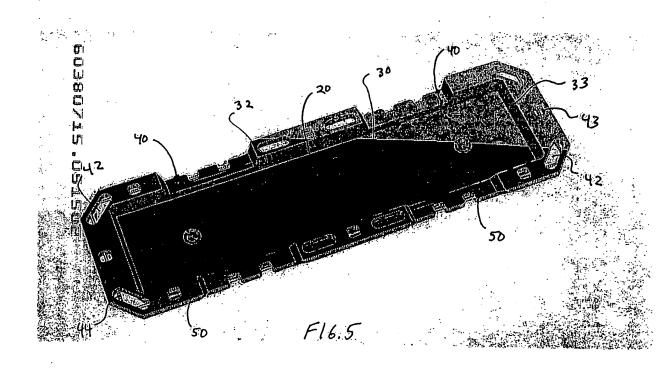
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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: THOMAS A. RICHMOND

Serial No.: 60/380,715

Filed: May 15, 2002

For: STRETCHER

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with A comme and requestion

BOX PROVISIONAL PATENT APPLICATION

Assistant Commissioner for Patents Washington, DC 20231

Sir:

### POWER OF ATTORNEY FOR PROVISIONAL APPLICATION

The undersigned hereby appoints the following attorneys and/or agents of the firm WOODCOCK WASHBURN LLP, One Liberty Place - 46th Floor, Philadelphia, Pennsylvania 19103 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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Date: 6-20-02

Inventor:

Type Name: THOMAS A. RICHMOND



Commissioner for Patents Washington; DC 20231

APPLICATION NUMBER

FILING DATE

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ATTY. DOCKET NO./TITLE

60/380,715

05/15/2002

Thomas A. Richmond

RAPI-0003

CONFIRMATION NO. 6839

\*OC00000008873050\*

Andrew J. Hagerty WOODCOCK WASHBURN LLP One Liberty Place - 46th Floor Philadelphia, PA 19103

Date Mailed: 09/30/2002

#### NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 07/19/2002.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

ELISHA M EVANS-OIPE (703) 306-3493

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#### (12) United States Patent Richmond

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(45) Date of Patent:

Apr. 6, 2004

(54)	STRETC	HER ·
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(73)	Assignee:	Thomas A. Richmond, Richboro, PA (US)
(*)	Notice:	Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.
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(58)	Field of S	441/129 earch 5/625, 626, 628; 441/83, 125, 129; 128/870
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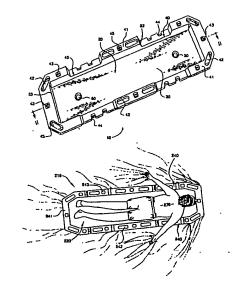
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ABSTRACT

A stretcher including a substantially rigid cavity defined by a base, opposing ends extending upwardly from the base, and opposing sidewalls disposed between the opposing ends and extending upwardly from the base. Each of the opposing sidewalls includes at least one low section so that a human limb can be extended out of the cavity to maneuver the stretcher. stretcher.

30 Claims, 7 Drawing Sheets



PATENT	APPLICATION	<b>SERIAL</b>	NO.	

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE FEE RECORD SHEET

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